

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

Adv. Pro. No. 10-04285 (CGM)

UBS AG, UBS (LUXEMBOURG) SA, UBS FUND
SERVICES (LUXEMBOURG) SA, UBS THIRD
PARTY MANAGEMENT COMPANY SA,
ACCESS INTERNATIONAL ADVISORS LLC,
ACCESS INTERNATIONAL ADVISORS LTD.,
ACCESS MANAGEMENT LUXEMBOURG SA
(f/k/a ACCESS INTERNATIONAL ADVISORS
(LUXEMBOURG) SA) as represented by its
Liquidator MAÎTRE FERNAND ENTRINGER,
ACCESS PARTNERS SA as represented by its
Liquidator MAÎTRE FERNAND ENTRINGER,
PATRICK LITTAYE, CLAUDINE MAGON DE
LA VILLEHUCHET (a/k/a CLAUDINE DE LA
VILLEHUCHET) in her capacity as Executrix
under the Will of THIERRY MAGON DE LA
VILLEHUCHET (a/k/a RENE THIERRY DE LA
VILLEHUCHET), CLAUDINE MAGON DE LA
VILLEHUCHET (a/k/a CLAUDINE DE LA
VILLEHUCHET) individually as the sole
beneficiary under the Will of THIERRY MAGON
DE LA VILLEHUCHET (a/k/a RENE THIERRY

DE LA VILLEHUCHET), PIERRE
DELANDMETER, THEODORE DUMBAULD,
LUXALPHA SICAV as represented by its
Liquidators MAÎTRE ALAIN RUKAVINA and
PAUL LAPLUME, MAÎTRE ALAIN RUKAVINA
AND PAUL LAPLUME, in their capacities as
liquidators and representatives of LUXALPHA
SICAV, and GROUPEMENT FINANCIER LTD.,

Defendants.

STIPULATION AND ORDER

Irving H. Picard, as trustee (the “Trustee”) for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa-III, and the estate of Bernard L. Madoff, and the defendants in this action UBS AG, UBS (Luxembourg) S.A., UBS Fund Services (Luxembourg) S.A., UBS Third Party Management Company S.A., Access International Advisors LLC, Access International Advisors Ltd., Access Management Luxembourg SA (f/k/a Access International Advisors (Luxembourg)) as represented by its Liquidator Maître Fernand Entringer, Access Partners SA as represented by its Liquidator Maître Fernand Entringer, Patrick Littaye, Claudine Magon de la Villehuchet (a/k/a Claudine de la Villehuchet) in her capacity as Executrix under the Will of Thierry Magon de la Villehuchet (a/k/a Rene Thierry de la Villehuchet), Claudine Magon de la Villehuchet (a/k/a Claudine de la Villehuchet) individually as the sole beneficiary under the Will of Thierry Magon de la Villehuchet (a/k/a Rene Thierry de la Villehuchet), Pierre Delandmeter, Theodore Dumbauld, Luxalpha SICAV, as represented by its Liquidators Maître Alain Rukavina and Paul Laplume, Maître Alain Rukavina and Paul Laplume, in their capacities as liquidators and representatives of Luxalpha SICAV, and Groupement Financier Ltd. (collectively, the “Defendants,” and together with the Trustee, the “Parties”), by and through their respective undersigned counsel, hereby stipulate and agree as follows:

1. The Trustee will provide a proposed second amended complaint to the Defendants on or before February 7, 2022.
2. The Defendants will indicate whether they consent to the Trustee filing the proposed second amended complaint on or before February 18, 2022.
3. On or before February 28, 2022, either:
 - a. If the Defendants consent to the Trustee filing the proposed second amended complaint, the Trustee will file the second amended complaint.
 - i. Defendants will answer, move or otherwise respond to the second amended complaint on or before April 22, 2022.
 - ii. The Trustee will file any oppositions to Defendants' motions on or before June 17, 2022.
 - iii. Defendants will file any reply briefs on or before July 29, 2022.
 - b. If the Defendants do not consent to the Trustee filing the proposed second amended complaint, the Trustee will file his motion for leave to amend the complaint with the proposed second amended complaint.
 - i. Defendants will file oppositions to the Trustee's motion for leave to amend on or before April 1, 2022.
 - ii. The Trustee will file his reply in support of his motion for leave to amend on or before May 13, 2022.
4. This Stipulation may be signed by respective counsel for the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

5. Except as provided herein, nothing in the Order shall affect the rights, claims, or defenses of any party in this action, including without limitation any rights, claims, and defenses available to the Defendants including those provided for by Rule 12 of the Federal Rules of Civil Procedure, and the right to seek dismissal based on forum non conveniens. Execution of this stipulation does not confer jurisdiction over any Defendant and Defendants explicitly reserve their right to challenge the Court's personal jurisdiction over them.

Dated: January 18, 2022
New York, New York

/s/ Oren J. Warshavsky

BAKER & HOSTETLER LLP

45 Rockefeller Plaza

New York, New York 10111

Telephone: (212) 589-4200

Facsimile: (212) 589-4201

Oren J. Warshavsky

Email: owarshavsky@bakerlaw.com

Geoffrey A. North

Email: gnorth@bakerlaw.com

*Attorneys for Irving H. Picard, Trustee
for the Substantively Consolidated SIPA
Liquidation of Bernard L. Madoff
Investment Securities LLC and the Estate
of Bernard L. Madoff*

/s/ Brett S. Moore

PORZIO, BROMBERG & NEWMAN, P.C.

1675 Broadway, Suite 1810

New York, New York 10019

Telephone: (212) 265-6888

Facsimile: (212) 957-3983

Brett S. Moore

Email: bsmoore@pbnlaw.com

*Attorneys for Defendant Luxalpha SICAV, as
represented by its Liquidators Maître Alain
Rukavina and Paul Laplume, and Maître Alain
Rukavina and Paul Laplume, in their capacities
as liquidators and representatives of Luxalpha
SICAV*

/s/ Marshall R. King

GIBSON, DUNN & CRUTCHER LLP

200 Park Avenue

New York, New York 10166

Telephone: (212) 351-4000

Marshall R. King

Email: mking@gibsondunn.com

Gabriel Herrmann

Email: gherrmann@gibsondunn.com

*Attorneys for Defendants UBS AG, UBS
(Luxembourg) S.A., UBS Fund Services*

/s/ Anthony Paccione

KATTEN MUCHIN ROSENMAN LLP

575 Madison Avenue

New York, New York 10022

Telephone: (212) 940-8800

Facsimile: (212) 940-8774

Anthony Paccione

Email: anthony.paccione@katten.com

*Attorneys for Defendants Access International
Advisors LLC, Access International Advisors
Ltd., Access Management Luxembourg SA,*

*(Luxembourg) S.A., UBS Third Party
Management Company S.A.*

*Access Partners SA, Patrick Littaye, Claudine
Magon de la Villehuchet, and Groupement
Financier Ltd.*

/s/ Scott M. Berman

**FRIEDMAN, KAPLAN, SEILER &
ADELMAN LLP**

7 Times Square
New York, New York 10036
Telephone: (212) 833-1120
Facsimile: (212) 373-7920
Scott M. Berman
Email: sberman@fklaw.com

*Attorneys for Defendant Pierre
Delandmeter*

SO ORDERED.

/s/ Robert Knuts

SHER TREMONTE LLP

90 Broad Street, 23rd Floor
New York, New York 10004
Telephone: (212) 202-2638
Facsimile: (212) 202-4156
Robert Knuts
Email: rknuts@shertremonte.com

Attorneys for Defendant Theodore Dumbauld

**Dated: January 20, 2022
Poughkeepsie, New York**



/s/ Cecelia G. Morris

**Hon. Cecelia G. Morris
Chief U.S. Bankruptcy Judge**